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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,871	12/14/2001	Werner Anweiler	A-2874	8052

7590

06/11/2003

LERNER AND GREENBERG, P.A.  
Post Office Box 2480  
Hollywood, FL 33022-2480

EXAMINER

HINZE, LEO T

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/016,871

Applicant(s)

ANWEILER ET AL.

Examiner

Leo T. Hinze

Art Unit

2854

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,3 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 18 April 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Drawings*

1. The corrected or substitute drawings were received on 18 April 2003. These drawings are accepted.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1, 3, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lusar et al., US 5,907,999, in view of Bradford et al., US 2,971,461.

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Lusar teaches:

a method of adjusting a quantity of ink supplied to a printing material by a printing machine, which comprises adjusting a quantity of ink as a function of a printing speed (e.g. col. 2, lines 19-23), and including, upon the occurrence of a change in the printing speed (e.g. col. 2, lines 22-23), making a change in the quantity of ink as a function of an area coverage to be printed (e.g. col. 2, line 25) (claim 1);

storing characteristics (col. 2, lines 47-50) for various area coverages as a function of the printing speed and, upon the occurrence of a change in the printing speed, varying the amount of ink in accordance with a respective characteristic (claim 3);

a device for printing a printing material, comprising: an ink duct (9) having an ink duct roller (10), a ductor roller (11), and a transfer roller (12), said ductor roller in contact both with said ink duct roller and said transfer roller, said transfer roller serving for transferring a quantity of ink transferable from said ductor roller to the printing material via further rollers; and a control device (40), said control device being connected to a memory (col.6, line 6) having stored therein values (col. 2, lines 47-50) for an ink amount to be transferred as a function of the printing speed and an area coverage to be printed (col. 2, lines 22-23), said control device serving for adjusting the amount of ink transferred as a function of the printing speed and the area coverage (claim 6).

Lusar does not teach:

changing an ink stripe length for adjusting a requisite quantity of ink (claim 1);

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a pivotable ductor roller, said ductor roller to be brought into contact both with said ink duct roller and said transfer roller (claim 6).

Bradford teaches:

changing an ink stripe length for adjusting a requisite quantity of ink (by changing the amount of time the ductor roller is in contact with the fountain roller) (col. 3, lines 24-28) (claim 1);

a pivotable ductor roller (15), said ductor roller to be brought into contact both with said ink duct roller (14) and said transfer roller (16) (claim 6).

Regarding claims 1 and 6, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lusar include a pivotable ductor roller, and to change the ink stripe length for adjusting a requisite quantity of ink, because Bradford teaches that by varying the time the ductor roller is in engagement with the fountain roll (i.e. changing the ink stripe length) is advantageous for controlling the amount of ink transferred.

Regarding claim 3, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Lusar to store characteristics of ink stripe length, because Lusar teaches storing characteristics that affect the amount of ink transferred, and Bradford teaches that ink stripe length affects the amount of ink transferred.

#### ***Response to Arguments***

5. Applicant's arguments with respect to claims 1, 3 and 6 have been considered but are moot in view of the new ground(s) of rejection:

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*Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Maier et al., US 5,170,711, Jeschke et al., US 5,029,527, Rottstedt, US 4,570,539, and Treff, US 3,688,696 each teach methods and apparatus for adjusting a quantity of ink having obvious similarities to the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (703) 305-3339. The examiner can normally be reached on M-F 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0952.

*Leo T. Hinze*

Leo T. Hinze  
Patent Examiner  
AU 2854  
June 6, 2003

*Leslie J. Evanisko*  
**LESLIE J. EVANISKO**  
**PRIMARY EXAMINER**